

# Notice of Allowability

Application No.

09/898,266

Examiner

JEAN B. FLEURANTIN

Applicant(s)

POLICASTRO ET AL.

Art Unit

2162

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4 October 2004.
2. ☒ The allowed claim(s) is/are 1-11, 13-35, 40-57 and 59.
3. ☒ The drawings filed on 03 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments, filed 4 October 2004, with respect to 1-11, 13-35, 40-57 and 59 have been fully considered and are persuasive. Therefore, claims 1-11, 13-35, 40-57 and 59 are allowed over the prior art of record.

## **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

With respect to claims 1 and 9, the claimed features "wherein the information assists the user in making a decision in the educational environment, the method comprising the steps of providing one or more tools to extract and transform data into a decision support resource; accessing the one or more analytical tool over the processor based network; and further including scrubbing the operational data, the scrubbing the operational data including removing operational peculiarities from operational data and validating the operational data" in combination with other element of the independent claims would not found anticipated or obvious over the prior art made of record. With respect to claims 31, 40, 45, 52 and 53, the claimed features "scrubbing the operational data, the scrubbing the operational data including removing operational peculiarities from the operational data and validating the operational data; applying a transformation to the operational data to create a staging database" in combination with other element of the independent claims would not found anticipated or obvious over the prior art made of record. With respect to claim 59, the claimed features "wherein the information

Art Unit: 2162

assists the user in making a decision in the educational environment, the method comprising the steps of providing one or more tools to extract and transform data into a decision support resource; providing one or more analytical tools that enable a user to manipulate the data and make a decision in the educational environment; and accessing the one or more analytical tools over the processor based network so that the user may use the analytical tools to make a decision in the educational environment” in combination with other element of the independent claims would not found anticipated or obvious over the prior art made of record.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

3. The closest prior art, O'Brien et al. U.S. Patent No. 6,651,07 relates to relates to the assessment of a student's learning, and more particularly to mechanisms for tracking assessments of performances by a student which demonstrate progress in developing specific abilities but fails to teach the above limitations.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 2162

### CONTACT INFORMATION

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bolte Fleurantin

January 21, 2005



SHAHID ALAM  
PRIMARY EXAMINER